

TOWN OF FRAMINGHAM PLANNING BOARD

SEPTEMBER 30, 2003

In attendance are Helen Lemoine, Chairperson; Ann Welles, Clerk; Tom Mahoney and Carol Spack.

Not in attendance is Larry Marsh, Vice Chairperson and Jim Lagerbom, Alternate Member.

Also present Jay Grande, Planning Board Administrator and Carol Pontremoli, Administrative Assistant

Meeting is brought to order at 7:40 pm

I. Administration

Informal Discussion, 15 Pleasant Street Connector

In attendance are Jim Hanrahan, Bowditch & Dewey, John Hubert, Principal of Crosspoint Associates and David Kelly, Kelly Engineering Group

Jim Hanrahan gave an overview. The property is an old Genzyme Building located in Framingham and Southborough. There are two scenarios, one with the building wholly in Southborough and the second is with over 10,000 square feet in Framingham.

David Kelly spoke on the first version and gave an overview as to what the site looks like currently. Project would add a 3,000 square foot second story. Also a two level parking area in the back of the building where there is a slope taking advantage of that area. They would utilize the land that Crosspoint currently owns across the street. He said it building plan currently meets by-laws of both towns.

Jim Hanrahan mentioned they are trying to utilize the landscaping on the Pleasant Street side. Their biggest challenge, he feels, will be the permits for both towns. He would like to streamline the process.

Helen asked what specific permits they would be looking for. Jim Hanrahan said he would need a Site Plan Review in Framingham for the building in Framingham or parking. In Southborough a Site Plan Review which is triggered by amount of space.

Tom Mahoney asked if he had checked with the MWRA because Southborough is a non-sewer town. And also asked if there was ever a connection with Fafard Companies? John Hubert mentioned there is an easement that has not been forgotten.

Carol Spack asked if they have thought about a parking garage instead of disturbing so much of the landscaping. John Hubert noted there is another plan primarily in the same location but with covered parking. Ann Wells wanted to know with the change in parking, would it doubled. Ann also asked on the odd chance the building does straddle the land what would happen? Carol wanted to know if this was phase one or phase two.

Jim said they hadn't planned to build in phases. He also mentioned they will need to build the 60,000 square feet all at once.

Jay questioned a satellite parking lot and let Jim know it would be a concern to traffic. Jay wanted to know if they had given any thought to pedestrian safety. There are approximately 125 spaces.

Jay wanted to know if they have given any thought to parking under the building, traffic analysis and mitigation. John said the parking under the building would be very costly. Jay feels they would like to look at the site plan mitigation. Jim Hanarhan would like to see some early mitigation to avoid problems.

Ann asked about drainage. David said it is currently draining in the back but more would be needed and they would be looking into that.

Helen wanted to know if this project was going to be administrative offices only. John said there would only be administrative offices.

Helen asked if the zoning district in Southborough is similar to Framingham. Jim Hanrahan said they are similar.

Helen asked if there were any questions from the Board or the public. Jim wanted to know if there would be any positive feedback with a project like this.

Helen agreed this would and it would be good to keep Genzyme happy and in Framingham.

Tom thinks this is a great idea for this hill and likes the greenscape. He feels this would be a great location for this building. Ann feels the same and it would make the entire connector look good.

Helen appreciated their coming in to give us an overview.

8:00 pm Public Hearing for a proposed article to establish an Affordable Housing By-Law by amending the Zoning By-Law Law.

Helen read the article and notice into the record.

In attendance are Donna Jacobs, Sr. Planning Board, Chair and Vice Chair of the Standing Committee of Planning and Zoning

Helen wanted to start with the original Article 13 that is in the Warrant book. By statute the Planning Board is required to have a public meeting

Hank Moran, and John Howland represented the Standing Committee of Planning and Zoning. There is an issue as to keeping 10% affordable housing and would like to bring this to the floor. It was tabled and volunteers put together ideas that were borrowed from other towns. This effort lost by one vote. They decided to form a committee this summer

to put together a by-law that would maintain a review to keep the count of affordable housing available thorough out the town. The committee wanted to have this by-law apply to all zoning districts. The standing committee was concerned with complex language. They did some comparisons and think this will be one of the better by-laws for affordable housing in the Commonwealth.

Hank Moran, Vice Chair noted the draft which is currently being seen is not one that all on the Committee members has seen and he would like that to be known.

Helen suggested they could look at the original article and go through the changes. Many of the changes were made because in the original draft, Town Counsel Chris Petrini, Esq, had concerns and this started the changes for the first amended draft.

First memo came from Christopher Petrini Esq. on December 8th.

Donna mentioned there are a few essential changes and would like to take section by section.

John Howland, Chair of Standing Committee, began to read the sections of the Articles that had been changed. The Warrant calls for an affordable housing unit to be built for any application to build 5 or more units. The new version is calling for 10 or more. Section two – no change; A essentially says 10 or more; B essentially says 10 or more C is same; 2b is a definition of redevelopment.

In the warrant Section B would be section C in the new warrant with no change Section 4 has a simple statement if they should not approve but the revised version has expanded ways that this could be done.

Ann recalls that this is the point at which once you introduce change and once you introduce options the internal meaning of the by-laws has inconsistencies. This is why there are two full documents here tonight.

Donna spoke with Chris Petrini and he cited his concerns but the new options took care of most of his concerns. The staff did a research project of 125 municipalities and took a list of the options and submitted to the Planning Board. There are seven additional options. She went on to expand on these six options. The first one was in the original warrant that is the provision for units on site, second is construction on a locus different from the locus subject to special permit; third option is purchase and agreed limitation of existing housing; fourth is donation of land in free simple or offsite for affordable units subject to proviso's to acceptance by the Selectmen and Planning Board, fifth is preservation of existing or offsite dwelling units as affordable units and sixth is a fee in lieu of payment that can be made in place of units being constructed on site and seventh is a density bonus.

Carol Spack had one clarification in paragraph 4.a.2 , that new affordable unit which would be in the same zoning district as the project being built.

Donna wanted one way to make sure the units are the same and that would be to keep them in the same zoning and/or precinct districts.

Section 5 Development Requirements

Section 5 and 7 were merged and Section 6 is essentially the same. Section 5 A, the purpose is the same with having Town Counsel's input. Article B was merged into A in the revised version. Section C was restated in 4A. Section D is now in section 4B.

Section E in revised and in 5B

Section F in 5C

Section G is in 5D

Section H was dropped due to it being a restatement

Section 6 unchanged

Section 7 has been merged into 5

Section 8 required joint approval

Section 9 revised section 8

Section 10 in now in Section 9

Section 11 A is a little tighter now

Section A is the same

Section B restrictive documents

Section C is shorter and simpler

Section D – written by Town Counsel

Section E – Tighter language

Helen asked Board Members for a sense of process to get to the next phase. Helen asked if the Planning Board would give its support to Town Meeting for the original draft and if not, they would come back with a future article if not adopted. Can we go forward with a substitute article if needed? Ann suggested the concept of repetitive petition within two years. This could be one of the instances, where if we were after more discussion, it could then be decided to be a repetitive petition.

Donna let the Planning Board know the Town Moderator and Town Counsel have control over what is a repetitive petition.

Hank noted first of all, there are members of the committee who would like to table the Warrant in the first form. He would like to put the warrant on the table in both forms. The committee needs to look at both and put forth its choice.

Helen felt that it seemed clear that the majority of the board is not in favor of a recommendation even with amendments. It would be too difficult and complex. She wanted to know how they could get the article on the floor if we are not going to go forward with the original warrant.

Sue Bernstein noted it seemed to her if you went forward with a ruling and it was not a repetitive version you could put forth a motion with a substitute amendment. The Board agreed if you were to move forward, you could mail out the substitute and ask Town Counsel take a look at it.

Ned Price, Precinct 17 -His understanding is that a decision needs to come up with a new solution. Hank said there is a process with the exception of key details. A proposal could be motioned to present the article and the Planning Board could present the amendment and noted there must be a procedural way to recommend this article with changes.

Robert O'Neil, Precinct 16 wanted to know why all the options? Why not remove the options and put the original article forth.

Helen thought without the options no developer would want to take the risk of building a development where he was bound by tight constraints to follow the By-law. Jay noted when he first sat down with Town Counsel and he was not fully convinced this is not a repetitive petition. Donna said that Town Counsel would not take the time to review because he felt this would be a repetitive petition. This is a worrisome point.

Ann felt this is a real learning curve and has time pressures. Interestingly enough, we have got to make this work. This has come down to sheer timing.

Tom Mahoney noted the Board was not meeting next week and but could meet at 7:00 pm to discuss PNZ's votes and maybe resolve the Planning Board dilemma. If we were to go with original then we have to make a decision. If decided to go with amended article then we could support it.

Helen has a bigger concern – she is not sure that Town Counsel will be unhappy over this because we have not been able to support the Town Counsel's concerns has been addressed. The Board would need more time. The Board knows what Town Counsel is going to say when asked.

Jay thought we have not had a chance to meet with Town Counsel. We have good answers but have not had the time to meet with him to give him the information in a timely fashion.

Hank asked if it is Town Counsel saying they should keep the two separate. Hank asked what his thoughts are on the original petition. Is this what the Counsel is saying that this is a repetitive petition?

Jay noted that Town Counsel has given us a quick response. Donna feels that Town Counsel has flagged the Manager on this issue. Ann wanted to know if Town Counsel gave P&Z an answer.

Tom Mahoney wants to assume for a second that it is not a repetitive petition and the Board goes forward with our amendment, do we have to wait another two years? Ann responded if this goes forward, we would need to have regulations for the bylaw written in 30 days which is another hurdle.

Helen thanked Ann; this brings up another point, if any article is brought to the floor and approved what happens then.

Jay and Donna agreed that the Town Counsel would require that the regulations be written and would want to see them for their meeting next week. Donna stated they were working under the premise that the Town Meeting would be in November and would have given the committee another 30 days.

Kathie McCarthy, Precinct 1 has questions regarding public input on the options and asked if there would be other parties included in the option decision.

Ann suggested there are two things to get the most control over the developer, any proposal for this would have to get a special permit and the subject of a public hearing.

Kathie has concerns that public input would not be taken. Carol Spack thinks Kathy means that the original article did not have public input. Kathy explained that is what she is most fearful about and public input would not be heard from the start.

Helen noted options would be discussed in a public hearing and they would gather information.

Donna has written regulations for other towns and has started doing a draft and that Jay was going to try to help Donna to make it easier for her.

Sue Bernstein had several points. She asked if the desire and goal is to have affordable housing mixed through out the town. Would it pertain primarily to Precinct 1 due to available land?

John Howland asked when Donna was going though the by-laws did she give all the changes. There are minor things such as language added relative to bankruptcy and foreclosure and you got into an additional situation the town could retain the land itself.

Tom O'Neil, Precinct 8 – member of Planning and Zoning wanted to know how they were going to get this across to Ed Noonan. Tom would like to see an amendment ready to go on the floor.

Hank asked what would the Planning Board like the P&Z Committee to do?

Helen would ask the P&Z committee to go back on Monday night and withdraw the article to allow the planning board to go to the next Town Meeting. Carol concurred this expressed her view also.

Tom remembers trying to rush other articles through and Town Meeting has not been receptive. He feels that if we take our time and then go to the Town Meeting at a later date, when everyone is better prepared, the article would be approved and we could hit the ground running.

Ann does not want Town Meeting to feel there is dissension and she has real reservations.

John has no problem with bringing this to the Board next week. Basically how do you feel about the draft? Do you have concerns with amendments? He feels the public would think that the Planning Board is stalling or the Standing Committee won't budge. He suggests that there is a joint statement.

Helen is extremely happy with this joint article. Helen will go down the board to have them air their

Carol Spack wants to strive so that the Planning Board and P&Z work well together and draft a proposal to be sure we put together the best article and then she would support the article. She does not feel they are there yet.

Jay thinks more notification time for zoning articles referred to the planning board from the selectmen. We usually do not set the statutory time allowed or advance dates for town meetings and this is not fair.

Michael Kane, 7 Forest Lane - has read the by-law and no one has spoken about the cost. He wanted to make a point of the 11th house having to be sold at an affordable price. He has issues with the Article from a developer's point of view. He feels they, the developers, would be taking a loss having to sell the 11th house at a lower rate.

Carol Spack corrected Mr. Kane by saying the Land owner would pay, or the developer could pass this to other ten home owners.

Helen noted in previous by-laws the planning board would bring in developers and get their input. Helen reads from a book written by Mark Bobrowski.

Ann suggested to get around this Article; developers would build nine houses instead of ten so not to fall under this Article. Have we gotten answers? No, but we are looking at the greater good of the community where 46% would fall under this category.

Michael Kane is concerned this would be like Section 8 housing which is borne over the taxpayers. He thinks this is unfair and would like to see more developers and real estate people in the mix.

Tom wanted to thank the committee and staff for their commitment but having said that, he can't go along with the Article as written. He is comfortable with it and its concept. He would support the substitute article.

Ann supports the substitute article.

Helen when speaking with the Board of Selectmen who were looking at the Article and wanted to wait until after tonight's meeting because they knew the substitute article would be discussed. They are extremely happy with the article but could not support the original.

Helen wants to know how to proceed from this point.

Jay thought the Board would need to put it in writing within 21 days but felt the Board does not have that kind of time.

Helen is looking for the most appropriate method. If the Planning Board finds this is a repetitive petition they would like to withdraw or pursue no action.

Tom Mahoney made a Motion that the Planning Board finds that Article 13 is substantially the same as the Article brought to Special Town Meeting last June and is repetitive and the Planning Board recommends no action in accordance with Chapter 40A

Carol seconded

Voted 4 approved and 0 opposed with Larry being absent

Administrative

Jay presented the draft Minutes for January and asked to finalize Document 863-03.

Motion by Ann to accept minutes

Tom seconded the motion

Voted 3 approve and 0 opposed, 1 abstention which is Helen because she was not here

Ann will do January 2 & 7

Helen will do January 14

Tom will do January 28

Carol will do August 5

Ann received an e-mail from Stew Mayer requesting a meeting between them regarding landscaping for Ford's Meadow.

Helen noted there is a long standing policy where if a board member is asked to meet with an applicant the board should be made aware and approve the meeting.

Helen said she is ok with this

Tom is ok with this

Carol wants to know why Ann would consider this request.

Helen explained that this would give a developer a heads up

Jay doesn't think this brings up a substantive issue.

Motion to adjourn by Tom
Seconded by Carol
Voted 4 approve and 0 opposed

Meeting is adjourned at 10:45 pm

Respectfully submitted,

Carol A. Pontremoli
Recording Secretary

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT
THE PLANNING BOARD MEETING OF MAY 3, 2004.**

Thomas Mahoney, Chairman